

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF
ILLINOIS

Petition for a Certificate of Public Convenience
and Necessity, pursuant to Section 8-406.1 of
the Illinois Public Utilities Act, and an Order
pursuant to Section 8-503 of the Public Utilities
Act, to Construct, Operate and Maintain a New
High Voltage Electric Service Line and Related
Facilities in the Counties of Adams, Brown,
Cass, Champaign, Christian, Clark, Coles,
Edgar, Fulton, Macon, Montgomery, Morgan,
Moultrie, Pike, Sangamon, Schuyler, Scott and
Shelby, Illinois.

Docket No. 12-0598

**STOP THE POWER LINES COALITION'S MOTION FOR LEAVE TO FILE
RESPONSE TO ATXI'S MOTION *INSTANTER***

Stop the Power Lines Coalition ("Coalition") moves for leave to file *instante* the attached Stop the Power Lines Coalition's Response to ATXI's Motion to File Amended Landowner List and for Order Directing the Clerk to Issue Notice to Certain Affected Landowners. In support of its motion, the Coalition submits the Affidavit of Edward R. Gower attached hereto as Exhibit 1. In further support of its motion, the Coalition states:

1. Responses to ATXI's Motion to File Amended Landowner List and for Order Directing the Clerk to Issue Notice to Certain Affected Landowners were due by 5:00 p.m. on January 11, 2013.

2. The Coalition's attached response to ATXI's motion was timely served upon the Administrative Law Judges and all parties to this action by 5:00 p.m. on January 11, 2013. However, due to a clerical error, the response was not filed on the Commission's e-docket.

3. When counsel for the Coalition, Ed Gower, noticed on the following Monday, January 14, 2013, that the Coalition's response did not appear on e-docket, he requested the assistant who was supposed to have filed the response to check and find out if it had been filed

and why it did not appear on e-docket. The assistant reported that the Clerk's Office advised her that it had not been filed, and to file the response on e-docket on January 14, which the assistant promptly did. However, in light of the potential for an interlocutory appeal and to avoid any issue concerning standing, it would appear that the better course of action would be to seek leave for authorization to file the response.

4. As the Coalition's response to ATXI's motion was timely served upon the Administrative Law Judges and all parties, no party would be prejudiced by granting leave to file the Coalition's response now. This is evidenced, among others, by the fact that ATXI addressed the Coalition's response in ATXI's reply in support of its motion.

WHEREFORE, the Coalition prays that it be given leave to file the attached response to ATXI's motion *instante*.

Respectfully submitted,

Dated: January 16, 2013

STOP THE POWER LINES COALITION

/s/ Edward R. Gower

Edward R. Gower
One of Its Attorneys

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AFFIDAVIT OF EDWARD R. GOWER

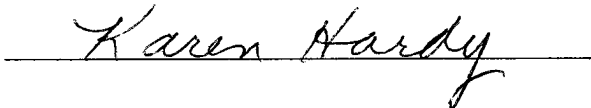
1. My name is Edward R. Gower. I am counsel for Intervenors, Stop the Power Lines Coalition ("Coalition"), in this matter.
2. I have personal knowledge of the facts set forth in the Motion for Leave to File Response to ATXI's Motion *Instante* that is being filed by the Coalition. If called to testify in this proceeding, I could and would testify competently based on personal knowledge that the facts set forth in this Motion are true and correct.

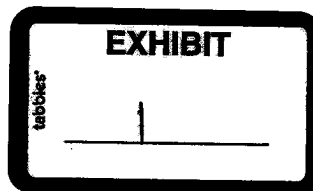
FURTHER AFFIANT SAYETH NOT.



EDWARD R. GOWER

SUBSCRIBED and SWORN to
before me this 16th day of January, 2013.





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Docket No. 12-0598

**STOP THE POWER LINES COALITION’S RESPONSE TO ATXI’S MOTION TO FILE
AMENDED LANDOWNER LIST AND FOR ORDER DIRECTING THE CLERK TO
ISSUE NOTICE TO CERTAIN AFFECTED LANDOWNERS**

Stop The Power Lines Coalition (“Coalition”), by its attorneys, Hinshaw & Culbertson LLP, submits this response to the pending Motion of American Transmission Company of Illinois (“ATXI”) for leave to file an amended landowner list and for Order directing the Clerk to issue notice to certain affected landowners.

There is no small irony in the fact that ATXI, who has been planning the proposed transmission line by its own admission for eight years and who opposed the Coalition’s request for more than 17 days in which to identify alternative routes and identity affected landowners, is now before the Administrative Law Judges asking for more time to notify affected landowners. What ATXI’s filing illustrates, as so effectively articulated in the response to the motion filed by the Colfax-Scott Land Preservation Group and Morgan, Sangamon and Scott Counties Land Preservation Group, is that this is not a matter for which an expedited proceeding is appropriate. What it also illustrates is the inherent unfairness of the ALJ’s December 14, 2012 Case Management Order, which gave landowners who thought another transmission line route might

be more appropriate, 17 days to plan and file an alternative route and identify all affected landowners.

Illinois Coalition agrees with the suggestion of the Groups from Colfax, Scott, Morgan, and Sangamon Counties, and urges ATXI to end the rush to judgment and drop the expedited process. If ATXI is not willing to do so, then its Petition should be dismissed. As Staff accurately pointed out in its response, ATXI failed to give the requisite statutory notice to landowners and there is no cure for this statutory failure. While Staff suggests that only the Pana to Mt. Zion segment of the Petition be dismissed, the Petitioner did not request approval in segments and there is no evidence in this record that transmission line ending at Pana and picking up again at Mt. Zion would be viable. The entire Petition must be dismissed. If the Petition for some reason is not dismissed, then the Coalition suggested that the date for designation of alternate routes and identification of affected landowners be extended to January 17, 2013; the date for Staff and Intervenor Rebuttal Testimony to one another be set for March 4, 2013; ATXI Rebuttal Testimony be set for March 6, 2013; and written prehearing motions be set for March 11, 2013.

Respectfully Submitted,

STOP THE POWER LINES COALITION

/s/ Edward R. Gower

Edward R. Gower
One of Its Attorneys

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